

1
2
3 The Honorable Barbara J. Rothstein
4
5

6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 IN RE: PHENYLPROPANOLAMINE
10 (PPA) PRODUCTS LIABILITY
11 LITIGATION,

MDL NO. 1407

CASE MANAGEMENT ORDER 19A

12 This document relates to all
13 actions.

14
15 ***This Order supplements, but does not replace, Case Management***
16 ***Order ("CMO") 19.***

17 CMO 19, entered on June 23, 2004, provides that in certain
18 circumstances, outlined in paragraphs 2, 3, and 4 of that order,
19 defendants may apply to the court for an order to show cause
20 ("OSC") why an action should not be dismissed for a plaintiff's
21 failure to comply with court-ordered discovery.

22 The court hereby amends CMO 19 to eliminate the OSC proce-
23 dure. Consequently, the court will no longer require defense
24 liaison counsel to submit lists of cases purportedly in violation
25 of CMO 19. The court will rule on all pending CMO 19 OSCs.
26

Where defendants would have been justified in seeking an order to show cause pursuant to CMO 19, defendants instead may file a motion to dismiss pursuant to CMO 19. The court encourages defendants to file such motions where appropriate.

SO ORDERED this 4th day of April, 2005.

Barbara Jacobs Rothstein

Barbara Jacobs Rothstein
U.S. District Court Judge